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CUSTOMER NO. 23494

ATTORNEY DOCKET NO. TI-62957

REMARKS

Claims 1-95 are pending in this patent application; and claims 33-95 are withdrawn from consideration due to non-elected inventions.

In the Office Action, the Examiner rejected independent claim 1 under 103(a) as being unpatentable over Huibers and Markis (US pat. 6,724,379). This rejection is traversed because it is respectfully submitted that Markis is not qualified as a valid reference.

As stated in the declaration submitted on September 6, 2006 under 1.131 (the declaration), the invention set forth in claim 1 was fully conceived and reduced to practice prior to June 8, 2001, the earliest effective filing date of the Markis reference US 6,724,379. In this Office Action, the Examiner contended that the declaration was ineffective due to lack of evidence of proper due diligence coupled thereto. It is respectfully submitted that inventor is experiencing difficulties in collecting such evidence of due diligence because the inventor note-books are now in storage in a city distanced away from where the inventor is living (due to a change in ownership of this application). It will take some time to collect the needed evidence. In view of this situation, claim 1 is amended by incorporating the allowable subject matter of claim 3 and intermediate claim 2 so as to place this patent application into condition for allowance. The subject matter of claim 1 before this amendment may be pursued in a continuation patent application.

Because claim 1 as amended incorporates the allowable subject matter in claim 3 and intermediate claim 2, claim 1 is patentable over Huibers and Markis.

It is believed that this application is in condition for allowance. Favorable consideration and prompt allowance are respectfully requested. In the event any fees are required in connection with this paper, please charge our Deposit Account No. 20-0668.

Respectfully submitted,



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